

In February of 2011, the office of the State's Attorney for the Judicial District of Stamford/Norwalk was given the results of a private audit commissioned by the City of Stamford to investigate scrap metal disposal by City employees. The results of that audit indicated that some monies obtained for the disposal of City owned scrap metal appeared to be unaccounted for. In reviewing the findings, it became obvious that further investigation was needed in order to determine whether there was any criminal activity involved and, if so, the specific perpetrator or perpetrators. Because of the Statute of Limitations, the investigation had to be limited to the previous five years.

Because our legislature continues to not give the State's Attorney the power to issue investigative subpoenas or to convene investigative grand juries, it was requested that the investigation be conducted by the Stamford Police Department.

Under Connecticut statutes, in order to be guilty of Larceny one must wrongfully, i.e. with no legal justification or excuse, take, obtain, or withhold property from another. This must be done with the intent to deprive the owner of the property and to appropriate it to himself. Thus, as the Connecticut Criminal Jury Instructions state: a person is not guilty of larceny, "[I]f someone took property honestly, although mistakenly believing that he had a right to do so ... or if he believed he had permission to take the property...."

Besides reviewing all documentation, Stamford PD interviewed approximately 40 city employees, including 10 supervisors. No one from the City has been able to provide any written documentation, covering the time period in question, prohibiting employees from taking cash payments on behalf of the City. Furthermore, the contract between the City and Rubino's does not require all scrap to be brought to that facility.

The investigation revealed 8 employees interviewed were not involved in any way with the transportation of scrap metal. 6 employees did take their own personal scrap metal to junk yards for disposal. These were private transactions, not involving City property. 6 employees took loads of City scrap metal to Rubino's, which Rubino's paid the City directly by check. These were mostly large loads. 11 employees did take small loads of City scrap metal to Rubino's. For these small loads, the employees were either given cash or an ATM card which was then turned into cash at an ATM machine located in the junk yard's office. Every employee claims to have turned this cash money over to their supervisor. This was confirmed by all the supervisors interviewed. The supervisors used this money as a type of "petty cash", to buy small operational items, or more commonly, to use for morale boosting purposes, such as the annual Christmas party. While it is impossible to determine the exact amount involved, based on the audit, over the last five years, less than \$3,000 per year was involved. There is no evidence that either the employees or the supervisors kept any of the cash for themselves. The lack of larcenous intent is further undermined by the fact that this practice has been the norm in Stamford city operations for at least thirty-five years.

The purview of the Police and the State's Attorney is not to judge City policies or to decide the best way for City finances to be handled. Our mission is to investigate and determine if a crime has been committed. Based on the very thorough investigation

conducted by Stamford PD, the State's Attorney finds that no crime has been committed, and, unless some new evidence is discovered in the future, no arrest warrants will be sought.